

112TH CONGRESS
1ST SESSION

S. 844

To provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to significant improvement in outcomes for all students and significant reductions in achievement gaps among subgroups of students, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 14, 2011

Mr. LIEBERMAN (for himself and Mr. BENNET) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide incentives for States and local educational agencies to implement comprehensive reforms and innovative strategies that are designed to lead to significant improvement in outcomes for all students and significant reductions in achievement gaps among subgroups of students, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Race to the Top Act
5 of 2011”.

1 **SEC. 2. RACE TO THE TOP.**

2 (a) IN GENERAL.—Title VI of the Elementary and
3 Secondary Education Act of 1965 (20 U.S.C. 7301 et
4 seq.) is amended—

5 (1) by redesignating part C as part D;

6 (2) by redesignating sections 6301 and 6302 as
7 sections 6401 and 6402, respectively; and

8 (3) by inserting after part B the following:

9 **“PART C—RACE TO THE TOP**

10 **“SEC. 6301. PURPOSES.**

11 “The purposes of this part are to—

12 “(1) provide incentives for States and local edu-
13 cational agencies to implement comprehensive re-
14 forms and innovative strategies that are designed to
15 lead to—

16 “(A) significant improvements in outcomes
17 for all students, including improvements in stu-
18 dent achievement, secondary school graduation
19 rates, postsecondary education enrollment rates,
20 and rates of postsecondary education persist-
21 ence; and

22 “(B) significant reductions in achievement
23 gaps among subgroups of students; and

24 “(2) encourage the broad identification, adop-
25 tion, use, dissemination, replication, and expansion
26 of effective State and local policies and practices

1 that lead to significant improvement in outcomes for
2 all students, and the elimination of those policies
3 and practices that are not effective in improving stu-
4 dent outcomes.

5 **“SEC. 6302. RESERVATION OF FUNDS.**

6 “(a) RESERVATION.—From the amount made avail-
7 able to carry out this part for a fiscal year, the Secretary
8 may reserve not more than 10 percent of such amount
9 to carry out activities related to—

10 “(1) technical assistance;

11 “(2) outreach and dissemination; and

12 “(3) prize awards made in accordance with sec-
13 tion 24 of the Stevenson-Wydler Technology Innova-
14 tion Act of 1980 (15 U.S.C. 3719).

15 “(b) AVAILABILITY OF FUNDS.—Notwithstanding
16 any other provision of law, funds for prize awards under
17 subsection (a)(3) shall remain available until expended.

18 **“SEC. 6303. PROGRAM AUTHORIZED.**

19 “(a) IN GENERAL.—From the amounts made avail-
20 able under section 6308 for a fiscal year and not reserved
21 under section 6302, the Secretary shall award grants, on
22 a competitive basis, to States or local educational agencies,
23 or both, in accordance with section 6304(b), to enable the
24 States or local educational agencies to carry out the pur-
25 poses of this part.

1 “(b) GRANT AND SUBGRANT ELIGIBILITY LIMITA-
2 TIONS.—

3 “(1) ARRA STATE INCENTIVE GRANTS.—A
4 State that has received a grant under section 14006
5 of division A of the American Recovery and Rein-
6 vestment Act of 2009 (Public Law 111–5; 123 Stat.
7 283) may not receive a grant under this part during
8 the period of its grant under such section.

9 “(2) NUMBER OF GRANTS.—A State or local
10 educational agency may not receive more than 1
11 grant under this part per grant period.

12 “(3) NUMBER OF SUBGRANTS.—A local edu-
13 cational agency may receive 1 grant and 1 subgrant
14 under this part for the same fiscal year.

15 “(c) DURATION OF GRANTS.—

16 “(1) IN GENERAL.—A grant under this part
17 shall be awarded for a period of not more than 4
18 years.

19 “(2) CONTINUATION OF GRANTS.—A State or
20 local educational agency that is awarded a grant
21 under this part shall not receive grant funds under
22 this part for the second or any subsequent year of
23 the grant unless the State or local educational agen-
24 cy demonstrates to the Secretary, at such time and
25 in such manner as determined by the Secretary, that

1 the State or local educational agency, respectively,
 2 is—

3 “(A) making progress in implementing the
 4 plan under section 6304(a)(3) at a rate that the
 5 Secretary determines will result in the State or
 6 agency fully implementing such plan during the
 7 remainder of the grant period; or

8 “(B) making progress against the perform-
 9 ance measures set forth in section 6305 at a
 10 rate that the Secretary determines will result in
 11 the State or agency reaching its targets and
 12 achieving the objectives of the grant during the
 13 remainder of the grant period.

14 **“SEC. 6304. APPLICATIONS.**

15 “(a) APPLICATIONS.—Each State or local educational
 16 agency that desires to receive a grant under this part shall
 17 submit an application to the Secretary at such time, in
 18 such manner, and containing such information as the Sec-
 19 retary may reasonably require. At a minimum, each such
 20 application shall include—

21 “(1) documentation of the applicant’s record, as
 22 applicable—

23 “(A) in increasing student achievement, in-
 24 cluding for all subgroups described in section
 25 1111(b)(2)(C)(v)(II);

1 “(B) in decreasing achievement gaps, in-
 2 cluding for all subgroups described in section
 3 1111(b)(2)(C)(v)(II);

4 “(C) in increasing secondary school grad-
 5 uation rates, including for all subgroups de-
 6 scribed in section 1111(b)(2)(C)(v)(II);

7 “(D) in increasing postsecondary education
 8 enrollment and persistence rates, including for
 9 all subgroups described in section
 10 1111(b)(2)(C)(v)(II); and

11 “(E) with respect to any other perform-
 12 ance measure described in section 6305 that is
 13 not included in subparagraphs (A) through (D);

14 “(2) evidence of conditions of innovation and
 15 reform that the applicant has established and the
 16 applicant’s proposed plan for implementing addi-
 17 tional conditions for innovation and reform, includ-
 18 ing—

19 “(A) a description of how the applicant has
 20 identified and eliminated ineffective practices in
 21 the past and the applicant’s plan for doing so
 22 in the future;

23 “(B) a description of how the applicant
 24 has identified and promoted effective practices

1 in the past and the applicant's plan for doing
2 so in the future; and

3 “(C) steps the applicant has taken and will
4 take to eliminate statutory, regulatory, proce-
5 dural, or other barriers and to facilitate the full
6 implementation of the proposed plan under this
7 paragraph;

8 “(3) a comprehensive and coherent plan for
9 using funds under this part, and other Federal,
10 State, and local funds, to improve the applicant's
11 performance on the measures described in section
12 6305, consistent with criteria set forth by the Sec-
13 retary, including how the applicant will, if applica-
14 ble—

15 “(A) improve the effectiveness of teachers
16 and school leaders, and promote equity in the
17 distribution of effective teachers and school
18 leaders, in order to ensure that low-income and
19 minority children are not taught by ineffective
20 teachers, and are not in schools led by ineffec-
21 tive leaders, at higher rates than other children;

22 “(B) strengthen the use of high-quality
23 and timely data to improve instructional prac-
24 tices, policies, and student outcomes, including
25 teacher evaluations;

1 “(C) implement internationally bench-
 2 marked, college- and career-ready elementary
 3 and secondary academic standards, including in
 4 the areas of assessment, instructional materials,
 5 professional development, and strategies that
 6 translate the standards into classroom practice;

7 “(D) turn around the persistently lowest-
 8 achieving elementary schools and secondary
 9 schools served by the applicant;

10 “(E) support or coordinate with early
 11 learning programs for high-need children from
 12 birth through grade 3 to improve school readi-
 13 ness and ensure that students complete grade 3
 14 on track for school success; and

15 “(F) create or maintain successful condi-
 16 tions for high-performing charter schools and
 17 other innovative, autonomous public schools;

18 “(4)(A) in the case of an applicant that is a
 19 State—

20 “(i) evidence of collaboration between the
 21 State, its local educational agencies, schools (as
 22 appropriate), parents, teachers, and other
 23 stakeholders, in developing the plan described
 24 in paragraph (3), including evidence of the com-

1 mitment and capacity to implement the plan;
2 and

3 “(ii)(I) the names of the local educational
4 agencies the State has selected to participate in
5 carrying out the plan; or

6 “(II) a description of how the State will se-
7 lect local educational agencies to participate in
8 carrying out the plan; or

9 “(B) in the case of an applicant that is a
10 local educational agency, evidence of collabora-
11 tion between the local educational agency,
12 schools, parents, teachers, and other stake-
13 holders, in developing the plan described in
14 paragraph (3), including evidence of the com-
15 mitment and capacity to implement the plan;

16 “(5) the applicant’s annual performance meas-
17 ures and targets, consistent with the requirements of
18 section 6305; and

19 “(6) a description of the applicant’s plan to
20 conduct a rigorous evaluation of the effectiveness of
21 activities carried out with funds under this part.

22 “(b) CRITERIA FOR EVALUATING APPLICATIONS.—

23 “(1) AWARD BASIS.—The Secretary shall award
24 grants under this part on a competitive basis, based

1 on the quality of the applications submitted under
2 subsection (a), including—

3 “(A) each applicant’s record in the areas
4 described in subsection (a)(1);

5 “(B) each applicant’s record of, and com-
6 mitment to, establishing conditions for innova-
7 tion and reform, as described in subsection
8 (a)(2);

9 “(C) the quality and likelihood of success
10 of each applicant’s plan described in subsection
11 (a)(3) in showing improvement in the areas de-
12 scribed in subsection (a)(1), including each ap-
13 plicant’s capacity to implement the plan and
14 evidence of collaboration as described in sub-
15 section (a)(4); and

16 “(D) each applicant’s evaluation plan as
17 described in subsection (a)(6).

18 “(2) EXPLANATION.—The Secretary shall pub-
19 lish an explanation of how the application review
20 process under this section will ensure an equitable
21 and objective evaluation based on the criteria de-
22 scribed in paragraph (1).

23 “(c) PRIORITY.—In awarding grants to local edu-
24 cational agencies under this part, the Secretary shall give
25 priority to—

1 “(1) local educational agencies with the highest
2 numbers or percentages of children from families
3 with incomes below the poverty line; and

4 “(2) local educational agencies that serve
5 schools designated with a school locale code of 41,
6 42, or 43.

7 **“SEC. 6305. PERFORMANCE MEASURES.**

8 “Each State and each local educational agency receiv-
9 ing a grant under this part shall establish performance
10 measures and targets, approved by the Secretary, for the
11 programs and activities carried out under this part. These
12 measures shall, at a minimum, track the State’s or local
13 educational agency’s progress in—

14 “(1) implementing its plan described in section
15 6304(a)(3); and

16 “(2) improving outcomes for all subgroups de-
17 scribed in section 1111(b)(2)(C)(v)(II) including, as
18 applicable, by—

19 “(A) increasing student achievement;

20 “(B) decreasing achievement gaps;

21 “(C) increasing secondary school gradua-
22 tion rates;

23 “(D) increasing postsecondary education
24 enrollment and persistence rates;

1 “(E)(i) improving the effectiveness of
 2 teachers and school leaders and increasing the
 3 retention of effective teachers and school lead-
 4 ers; and

5 “(ii) promoting equity in the distribution
 6 of effective teachers and school leaders in order
 7 to ensure that low-income and minority children
 8 are not taught by ineffective teachers, and are
 9 not in schools led by ineffective leaders, at high-
 10 er rates than other children; and

11 “(F) making progress on any other meas-
 12 ures identified by the Secretary.

13 **“SEC. 6306. USES OF FUNDS.**

14 “(a) GRANTS TO STATES.—Each State that receives
 15 a grant under this part shall use—

16 “(1) not less than 50 percent of the grant
 17 funds to make subgrants to the local educational
 18 agencies in the State that participate in the State’s
 19 plan under section 6304(a)(3), based on such local
 20 educational agencies’ relative shares of funds under
 21 part A of title I for the most recent year for which
 22 those data are available; and

23 “(2) not more than 50 percent of the grant
 24 funds for any purpose included in the State’s plan
 25 under section 6304(a)(3).

1 “(b) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—
 2 Each local educational agency that receives a grant under
 3 this part shall use the grant funds for any purpose in-
 4 cluded in the local educational agency’s plan under section
 5 6304(a)(3).

6 “(c) SUBGRANTS TO LOCAL EDUCATIONAL AGEN-
 7 CIES.—Each local educational agency that receives a
 8 subgrant under this part from a State shall use the
 9 subgrant funds for any purpose included in the State’s
 10 plan under section 6304(a)(3).

11 **“SEC. 6307. REPORTING.**

12 “(a) ANNUAL REPORTS.—A State or local edu-
 13 cational agency that receives a grant under this part shall
 14 submit to the Secretary, at such time and in such manner
 15 as the Secretary may require, an annual report includ-
 16 ing—

17 “(1) data on the State’s or local educational
 18 agency’s progress in achieving the targets for the
 19 performance measures established under section
 20 6305;

21 “(2) a description of the challenges the State or
 22 agency has faced in implementing its program and
 23 how it has addressed or plans to address those chal-
 24 lenges; and

1 “(3) findings from the evaluation plan as de-
2 scribed in section 6304(a)(6).

3 “(b) LOCAL REPORTS.—Each local educational agen-
4 cy that receives a subgrant from a State under this part
5 shall submit to the State such information as the State
6 may require to complete the annual report required under
7 subsection (a).

8 **“SEC. 6308. AUTHORIZATION OF APPROPRIATIONS.**

9 “‘There are authorized to be appropriated to carry out
10 this part \$1,350,000,000 for fiscal year 2012 and such
11 sums as may be necessary for each of the 5 succeeding
12 fiscal years.’”.

13 (b) CONFORMING AMENDMENTS.—The table of con-
14 tents for the Elementary and Secondary Education Act
15 of 1965 (20 U.S.C. 7301 et seq.) is amended—

16 (1) by striking the items relating to part C of
17 title VI; and

18 (2) by inserting after the item relating to sec-
19 tion 6234 the following:

 “PART C—RACE TO THE TOP

 “Sec. 6301. Purposes.

 “Sec. 6302. Reservation of funds.

 “Sec. 6303. Program authorized.

 “Sec. 6304. Applications.

 “Sec. 6305. Performance measures.

 “Sec. 6306. Uses of funds.

 “Sec. 6307. Reporting.

 “Sec. 6308. Authorization of appropriations.

 “PART D—GENERAL PROVISIONS

“Sec. 6401. Prohibition against Federal mandates, direction, or control.
“Sec. 6402. Rule of construction on equalized spending.”.

